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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,169	12/18/2001	Kuldipsingh Pabla	5181-90001	6126

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EXAMINER

HU, JINSONG

ART UNIT PAPER NUMBER

2154

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/26/2006	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/025,169

Applicant(s)

PABLA, KULDIPSINGH

Examiner

Jinsong Hu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-70 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-19, 21-40, 42-48 and 50-70 is/are rejected.
- 7) ☒ Claim(s) 5, 20, 41 and 49 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. The Final Action mailed on 5/17/06 is withdrawn. This office action is response to the amendments filed on 2/21/06. Claims 1-70 are presented for examination. Claims 14 and 61-70 have been amended.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 6-19, 21-40, 42-48 and 50-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borella et al. (US 6,269,099) in view of Teodosiu et al. (US 2002/0062375).

4. As per claims 1, 4 and 7-10, Borella teaches the invention as claimed including a method for providing a discovery service in a peer-to-peer network [col. 1, lines 5-7], the method comprising:

a peer group name device [12 Fig. 1] receiving information about a peer group, wherein the peer group comprises one or more peers as member peers of

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the peer group, wherein the one or more peers reside on one or more network nodes coupled to the network [col. 2, line 64 – col. 3, line 4]; and

the peer group name device storing the received information about the peer group [Fig. 3A-B; col. 6, lines 34-60];

wherein the information about the peer group stored on the peer group name device is accessible to entities on the network through the peer group name server to discover the peer group [Figs. 8A-B; col. 7, line 37 – col. 8, line 12; i.e., the network device being able to discover its peer by using peer discover protocol].

Borella does not specifically teach the peer group name device is a server. However, Teodosiu on the other hand teaches a peer group name server [130, fig. 1; par. 29]. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to replace Borella's peer group name device with Teodosiu's peer group name server because doing so would improve the functionality of the system.

5. As per claim 2, Borella teaches wherein the information about the peer group includes information configured for use by the entities in joining the peer group [col. 7, lines 52-67].

6. As per claim 3, Borella teaches that the information about the peer group includes a peer group name of the peer group and a peer group identifier of the

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peer group [48, Fig. 3A; col. 6, lines 41-44].

7. As per claim 6, Borella teaches the information about each of the one or more member peers includes information configured for use in accessing the particular member peer to communicate directly with the particular member peer via the network [col. 8, lines 17-26].

8. As per claims 11-14, 17, 19 and 21-30, since they disclose same limitations as claims 1-4 and 6-10 from different sides [i.e., method and performing step], they are rejected for the same basis as claims 1-4 and 6-10 above.

9. As per claims 15 and 16, Teodosiu teaches the process accessing the information about the peer group name server prior to said accessing the peer group name server, wherein the process uses the information about the peer group name server in said accessing the peer group name server [paragraphs 37, 78 and 80].

10. As per claim 18, Borella and Teodosiu teach the invention substantially as claimed in claim 1. Both references do not specifically teach the step of amending the information about the peer group when a left the group. However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to including the amending step in Borella/Teodosiu's system

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to increase the accuracy of the peer group information by updating information without delay. One of ordinary skill in the art would have been motivated to modify Borella/Teodosiu's system to increase the quality of peer-to-peer service.

11. As per claims 31-36, since they disclose the same limitation as claims 1-4 and 6-10 from different prospectors [i.e., server and peers], they are rejected for the same basis as claims 1-4 and 6-10 above.

12. As per claims 37-40 and 42-43 and 58-60, since they are apparatus [i.e., server and network] claims of claims 1-4 and 6-10, they are rejected for the same basis as claims 1-4 and 6-10 above.

13. As per claim 44-48 and 50-57, since they are system claims of claims 1-4 and 6-10, they are rejected for the same basis as claims 1-4 and 6-10 above.

14. As per claims 61-70, since they are computer program claims of claims 1-4, 6-11, 13, 25 and 29-31, they are rejected for the same basis as claims 1-4, 6-11, 13, 25 and 29-31 above.

***Allowable Subject Matter***

15. Claims 5, 20, 41 and 49 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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**Conclusion**

16. Applicant's arguments with respect to claims 1-70 have been considered but are moot in view of the new ground(s) of rejection.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinsong Hu whose telephone number is (571) 272-3965. The examiner can normally be reached on 8:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jinsong Hu

December 19, 2006